

RESPONSE UNDER 37 C.F.R. § 1.111  
U.S. Appln. No. 09/891,264

The Examiner acknowledged that Yates fails to disclose transmission of a service container by a service server to a service computer, but alleged that Beck discloses the feature that Yates lacks. The Examiner then combines Yates and Beck, and rejects the claims. Applicant respectfully disagrees, and asserts that the Examiner's combination of the prior art is improper.

Yates discloses a service provision system for providing different services, supplied by multiple vendors, over one or multiple communications networks. As shown in Fig. 1 of Yates, the service provision system comprises a terminal domain 101, a service retailer domain 103, a service provider domain 104 and a communication network provider domain 106. An intelligent software agent, *e.g.*, a terminal agent 102, an access agent 107, a service session agent 109 or a network agent 110, sits in each one of the domains 101, 103, 104 and 106. The agents co-operate to provide access to services for a system user. At least one of the agents are reconfigurable to modify functionality of the system available to a user (Yates, col. 1, lines 61-66). Reconfiguration is carried out by modifying a set of data structures loaded in the software entity (Yates, col. 29, lines 45-46).

On the other hand, Beck's purpose is to provide a method that enables a computing device to discover and use services provided by other computing devices, and download the service software from the other computing devices when the service is used. As shown in Figs. 1, 3 and 5 of Beck, a service advertiser 101, a mobile device, announces the availability of services to other devices over an ad-hoc network 103. A listener 121, also a mobile device,

RESPONSE UNDER 37 C.F.R. § 1.111  
U.S. Appln. No. 09/891,264

receives a service descriptor by listening to a multicast channel at step 301. If the service descriptor corresponds to a relevant service, a period of validity is assigned to the service descriptor at step 303, and the service descriptor is inserted into a registry 125 of the listener 121 with the associated period of validity at step 304. If the service descriptor matches the description of the requested service and is not loaded on the listener, the service interface, adapter and implementation are downloaded at steps 503, 504 and 505.

Given the different goals of Yates and Beck and the different problems solved by Yates and Beck, there is no suggestion or motivation to combine the two references.

In addition, Yates is used in an information networking architecture defined by the Telecommunications Information Networking Architecture Consortium (TINA-C), which is based on Open Distributed Processing (ODP) principle of object orientation and distribution, applied to telecommunications system design using Telecommunication Management Network (TMN) managed objects and Intelligent Network (IN) concepts for service management and control (Yates, col. 8, lines 30-40). However, Beck uses HTTP and TCP/IP (Beck, col. 3, lines 53-54). To combine the two references, it is not avoidable to change the principle of operation of the references. However, if the proposed modification or combination of the prior art would change the principle of operation of the prior art invention being modified, then the teachings of the references are not sufficient to render the claims *prima facie* obvious. *In re Ratti*, 270 F.2d 810, (CCPA 1959).

Thus, the combination of Yates and Beck is improper.

RESPONSE UNDER 37 C.F.R. § 1.111  
U.S. Appln. No. 09/891,264

Further, in Yates, a reconfigurable software agent may comprise a plurality of software modules, and each software module comprises executable code. The Examiner has asserted that Yates' modules are analogous to the recited service container, and the modules' code and SIBBs are analogous to the recited service machine. However, the Examiner fails to point out which part in Yates teaches or suggests the recited at least one service component.

Moreover, in Beck, service software is downloaded from one mobile device, e.g., the PDA 101, to another mobile device, e.g., the PDA 121. If the Examiner reads the recited service server and service computer on the two mobile devices, nothing in Beck corresponds the recited communication means.

Thus, even if a skilled artisan were to combine Yates and Beck, the combination would not result in the invention of claim 1.

Thus, Applicant submits that claim 1 and its dependent claims 2-6 are patentable, and claims 7-11 are patentable for the same reasons.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

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The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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